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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development

## Biennial panel discussion of the Human Rights Council on the right to development

### Report of the Office of the United Nations High Commissioner for Human Rights

#### *Summary*

The present report, submitted pursuant to Human Rights Council resolution 48/10, provides a summary of the biennial panel discussion on the right to development, held on 15 September 2022, during the fifty-first session of the Council. The discussion focused on the theme “35 years on: policy pathways to operationalizing the right to development”. In building up to the high-level anniversary meeting at the fifty-second session of the Council, the panel discussion provided an opportunity to reflect on the transformative vision of the Declaration on the Right to Development, adopted by the General Assembly in 1986, to create an enabling environment for development, including realization of the 2030 Agenda for Sustainable Development, the Sustainable Development Goals and post-pandemic recovery. The discussion reaffirmed the commitment of States and other stakeholders to the human right to development and to redouble efforts to operationalize it at all levels. Participants reviewed from a policy perspective the progress and challenges in the implementation of the right to development and shared good practices and reflections on the way forward.



## I. Introduction

1. In its resolution 42/23, the Human Rights Council decided to organize a biennial panel discussion on the right to development, starting at its forty-fifth session, with the participation of Member States, relevant United Nations bodies, agencies and other stakeholders. The first such panel discussion was held on 17 September 2020. In its resolution 48/10, the Council took note of the report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the biennial panel discussion held at the forty-fifth session of the Council,<sup>1</sup> and requested the Office of the High Commissioner, in accordance with Council resolution 42/23, to organize the biennial panel discussion at the fifty-first session of the Council. The Council also requested the Office to prepare a report on the panel discussion and to submit it to the Council at its fifty-second session. The panel discussion was held on 15 September 2022.<sup>2</sup>

2. The panel discussion focused on the role of policies as primary tools of governance at all levels to operationalize the right to development and remove obstacles to its realization, with a view to achieving the Sustainable Development Goals and building forward together against the backdrop of multiple interconnected challenges and crises. The objectives of the discussion were: (a) to analyse the positive impacts of policies on the realization of the right to development of individuals and peoples, through identifying data, concrete examples, patterns and trends; (b) to raise awareness of the importance of human rights advancing policies in promoting the realization of the right to development, which is indivisible, interdependent and interrelated with all other human rights; (c) to consider ways to shape policies for realizing the right to development for all people in all nations, especially the poor and vulnerable, through operationalizing the duty of international cooperation, global solidarity and collective action; (d) to mainstream the right to development among policymakers, promote its integration in policymaking at national, regional and international levels, and bridge policy gaps through applying the right to development framework as enshrined in the Declaration and other instruments, and decisions and outcomes of right to development mechanisms; (e) to share lessons learned, good practices and success stories in operationalizing the right to development and the duty to cooperate through policymaking and implementation; and (f) to lay the foundations for the high-level commemorative event, including with regard to recommendations thereto, and proposals for strengthening the role of States and other stakeholders, the United Nations system and its human rights mechanisms in operationalizing the right to development.

3. The panel discussion was chaired by the President of the Human Rights Council, Ambassador Federico Villegas. The opening segment of the panel included the participation of the acting United Nations High Commissioner for Human Rights, Nada Al-Nashif; the Secretary-General of the Inter-Parliamentary Union, Martin Chungong; and the Special Rapporteur on the right to development, Saad Alfarargi. The panellists included the Vice-Chair of the Committee for Development Policy and Professor of International Affairs at The New School, Sakiko Fukuda-Parr; the Chair of the Expert Mechanism on the Right to Development, Head of the Department of International Law and Director of the Human Rights Centre of the University for Peace, Mihir Kanade; the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Attiya Waris; and the Designated Chairperson of the Non-Aligned Movement Youth Organization, Ordukhon Gahramanzade.

4. The opening segment was followed by an interactive discussion involving representatives of States, international organizations and non-governmental organizations (NGOs). The panellists replied to the questions and comments raised from the floor and made concluding remarks.

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<sup>1</sup> [A/HRC/48/22](#).

<sup>2</sup> See

<https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/51/Pages/Panel%20discussions.aspx>.

5. The panel was recorded and posted as a webcast and was accessible to persons with disabilities.<sup>3</sup>

## II. Opening of the panel discussion

6. The acting United Nations High Commissioner for Human Rights focused on the centrality of the right to development when facing the current multifaceted global challenges. The coronavirus disease (COVID-19) pandemic had exposed and exacerbated pre-existing inequalities. Unsustainable debt burdens had restricted the capacity of many countries to provide social protection. The war in Ukraine had aggravated the disruption of global supply chains, increased inflation and elevated fuel and food prices. According to data from the International Monetary Fund and the World Bank, increased inflation had deepened inequalities within and between countries; the return to employment had not been equal between high-income and middle-income countries; and the rise in extreme poverty had been unbalanced in terms of gender and geographical distribution. The confluence of crises had undermined progress towards the realization of the 2030 Agenda for Sustainable Development and jeopardized sustainable recovery from the pandemic.

7. She recalled the definition of the right to development, enshrined in the Declaration on the Right to Development (1986). The Declaration called for integrated approaches to peace and disarmament, human rights and development and was underpinned by the principle of cooperation, demanding an enabling environment through equitable international relations. Policies for realizing that vision should be anchored in human rights and should be in line with the spirit of global solidarity.

8. Presenting the work of the Office in mainstreaming the right to development at the national, regional and international levels,<sup>4</sup> she said that at the national level, the Office had, among other things, sought to strengthen the capacity of its field presences to operationalize that right through a pilot project and an Hernán Santa Cruz dialogue<sup>5</sup> in Guinea,<sup>6</sup> and a national conference in Liberia.<sup>7</sup> At the regional level, it had, inter alia, organized an Hernán Santa Cruz dialogue in Latin America and the Caribbean,<sup>8</sup> and had carried out a project on human rights, climate change and migration in the Sahel,<sup>9</sup> analysing the impacts of climate change on the rights, lives and livelihoods of people in some of the countries that had contributed least to the climate crisis. In partnership with the University for Peace and the United Nations University, the Office had conducted training for nearly 1,000 stakeholders worldwide. It had also commissioned studies and developed guidance materials,<sup>10</sup> including on realizing the right to development in relation to investment agreements and industrialization; curbing illicit financial flows; access to renewable energy; and transfer of environmentally sound technology. In collaboration with the University for Peace, the Office had conducted a study on good practices in operationalizing the right to development in South-South cooperation. It had also worked to integrate human rights in international policy agendas, such as the Doha Programme of Action for the Least Developed Countries,<sup>11</sup> and had continued to support human rights mechanisms, including the Working Group on the

<sup>3</sup> See <https://media.un.org/en/asset/k19/k19z9uhrwo>.

<sup>4</sup> See <https://www.ohchr.org/en/development>.

<sup>5</sup> See <https://www.ohchr.org/en/human-rights/economic-social-cultural-rights/hernan-santa-cruz-dialogues>.

<sup>6</sup> See <https://www.ohchr.org/en/2021/07/hernan-santa-cruz-conference-contribution-development-human-rights-republic-guinea>.

<sup>7</sup> See [https://www.fmprc.gov.cn/mfa\\_eng/wjb\\_663304/zwjg\\_665342/zwbj\\_665378/202206/t20220602\\_10698218.html](https://www.fmprc.gov.cn/mfa_eng/wjb_663304/zwjg_665342/zwbj_665378/202206/t20220602_10698218.html) and [https://www.facebook.com/watch/live/?ref=watch\\_permalink&v=1175467693289481](https://www.facebook.com/watch/live/?ref=watch_permalink&v=1175467693289481).

<sup>8</sup> See <https://www.ohchr.org/en/2021/12/hernan-santa-cruz-regional-dialogue-latin-america-and-caribbean>.

<sup>9</sup> See <https://www.ohchr.org/en/stories/2021/11/report-how-climate-change-affects-human-rights-sahel-region-migrants>.

<sup>10</sup> See <https://www.ohchr.org/en/development/publications-and-resources>.

<sup>11</sup> See <https://www.ohchr.org/en/development/right-development-and-least-developed-countries>.

Right to Development,<sup>12</sup> the Special Rapporteur on the right to development<sup>13</sup> and the Expert Mechanism on the Right to Development.<sup>14</sup>

9. Referring to “The highest aspiration: a call to action for human rights” and Our Common Agenda of the Secretary-General, she emphasized the need for a new global deal that was underpinned by solidarity and cooperation. The panel discussion would facilitate the promotion of integrated solutions to current critical questions.

10. The Secretary-General of the Inter-Parliamentary Union emphasized the centrality of the human person in all activities. He asserted that parliaments could contribute substantially to the fulfilment of the right to development by leveraging human rights to support implementation of the 2030 Agenda for Sustainable Development and its overall aim to leave no one behind. He pointed out two critical aspects: to ensure that all development efforts were in line with human rights principles; and to make use of the existing synergies between human rights and the Sustainable Development Goals.

11. He affirmed that parliaments played a crucial role as they were the vox populi of a country. Parliaments had legislative, budgetary and oversight powers that were indispensable for implementing human rights recommendations. He mentioned some successful examples, such as Paraguay, where members of the parliament had participated in State delegations appearing before the United Nations human rights bodies and had actively taken part in setting up public databases to track the implementation of human rights recommendations and Sustainable Development Goal commitments. Likewise, in Rwanda, with the support of the Inter-Parliamentary Union, Parliament had discussed existing legislation on sexual and reproductive rights in an effort to improve access to health services for adolescents.

12. He underlined the necessity of strengthening mutual awareness and engagement between members of parliaments and United Nations human rights bodies. He said that the Inter-Parliamentary Union had a long-lasting cooperation with the Committee on the Elimination of Discrimination against Women and was determined to work closely with the Human Rights Council, the other treaty bodies and OHCHR. It was urgent that action was taken to improve all human rights. Investment in critical areas had long-term and far-reaching positive effects. However, guidance from the treaty bodies had recalled the fact that investment should be free from discrimination and made accessible to all.

13. He stated that parliaments must ensure equity in access. The Inter-Parliamentary Union would continue to assist parliaments on that path in partnership with OHCHR and United Nations human rights mechanisms. Joint efforts could support delivery on commitments under the 2030 Agenda and help to make the right to development a reality for all.

14. The Special Rapporteur on the right to development stated that the world was experiencing a critical moment: the global climate crisis, the increasing number of natural disasters and new global pandemics were hampering development and human rights. The COVID-19 pandemic had triggered an unprecedented global public health emergency and the most significant economic crisis in more than a century, especially severe in emerging economies and leading to a dramatic increase in inequalities. The way economic recovery and development were approached and the response in building back better should be bound by the principles of the right to development.

15. He noted that the panel discussion and the high-level meeting to be held in March 2023 focused on the thirty-fifth anniversary of the adoption of the Declaration on the Right to Development and provided opportunities to review progress in the promotion and protection of that right. As Special Rapporteur, he was responsible for the promotion, protection and fulfilment of that right and it was his duty to engage with Member States and other stakeholders to that end.

16. He invited participants, in particular States from the global South, to discuss what they considered to be the most important achievements relating to the implementation of the right

<sup>12</sup> See <https://www.ohchr.org/en/hrc-subsidaries/iwg-on-development>.

<sup>13</sup> See <https://www.ohchr.org/en/special-procedures/sr-development>.

<sup>14</sup> See <https://www.ohchr.org/en/hrc-subsidaries/expert-mechanism-on-right-to-development>.

to development, what were the challenges to integrating that right in their national plans and policies, and what should be the crucial actions and interventions in order to move forward.

### III. Panel discussion

#### A. Contributions of panellists

17. The Vice-Chair of the Committee for Development Policy, Professor of International Affairs at The New School, Sakiko Fukuda-Parr, stressed that addressing extreme inequality and the State obligation for cooperative action were two top priorities for implementing the right to development. Since early 2020, the COVID-19 pandemic had exacerbated inequality and exposed its root causes. The marginalized and subaltern populations – including racial and ethnic minorities, indigenous peoples, migrants, women, persons with disabilities and low-wage workers – were the most affected. One example was New York city, where African Americans, persons of Latin American origin or descent and migrant populations had been hit particularly hard, exposing underlying structural issues of unequal access to health care and imbalanced occupational patterns heavily concentrated on transport, food supply and health care. The broader socioeconomic consequences of the pandemic had also been unequal. Gender disparities had been exacerbated as women had disproportionately lost jobs or left employment owing to the increase in unpaid care work. The incidence of domestic violence had also increased dramatically during lockdowns. Unexpectedly, countries from the global North had presented higher mortality rates at the beginning of the pandemic, with figures for cumulative deaths four times higher than in developing countries (214 per 100,000 compared to 58 per 100,000). However, excess mortality<sup>15</sup> estimates had since reversed that trend, subsequently amounting to 259 per 100,000 in developed countries compared to 282 in the developing world. That reflected the knock-on effects of the pandemic response, which had taken a huge toll on health-care and other social services, household incomes, employment and food security, inter alia. In 2020, the pandemic had reversed decades of progress and forced more than 100 million people into extreme poverty. Furthermore, a mounting debt crisis loomed for much of the developing world.

18. Besides issues of poverty, inequality was the core challenge. It was not only a problem for the poor and vulnerable, but also for elites. The pandemic had resulted in the widening of the gap between the extremely rich and the extremely poor. In the World Inequality Report 2022, it was reported that the income of the top 0.001 per cent had grown by 14 per cent. Oxfam had reported that 252 men had more wealth than that of the one billion women and girls in Africa and Latin America and the Caribbean combined.<sup>16</sup> Elites had the power to allocate resources, set rules and norms, shape national policies and investments, and to block actions that undermined their vested interests. One example that illustrated how the asymmetries of power had played out to widen inequality during the pandemic in 2020 was the fact that big brand corporations in the garment sector had cancelled orders, which had left low-wage workers in global value chains unpaid for work they had done and thus struggling to meet their daily needs. Vaccine inequalities had also illustrated the asymmetries of power in medical technologies.

19. She noted that those examples had cast a spotlight on the importance of implementing the right to development at the current critical juncture for sustainable development. The importance of the right to development in the international human rights framework was that it spelled out the obligations of international cooperation – to take collective action to address problems that could not be solved by national action alone. States and other relevant entities had the duty to cooperate to ensure that the vaccination needs of the world were met globally. The principles of the right to development were essential in the way forward to pandemic preparedness and response.

<sup>15</sup> Further information on excess mortality is available at <https://www.who.int/news-room/questions-and-answers/item/global-excess-deaths-associated-with-the-COVID-19-pandemic>.

<sup>16</sup> See <https://www.oxfam.org/en/press-releases/ten-richest-men-double-their-fortunes-pandemic-while-incomes-99-percent-humanity>.

20. The Chair of the Expert Mechanism on the Right to Development, Mihir Kanade, remarked that, while the Declaration on the Right to Development had been adopted with a vote in 1986, with an overwhelming majority in favour, it had since been reaffirmed unanimously in almost 25 international instruments and agendas, including the Paris Agreement in 2015. Unfortunately, however, that right had not been effectively operationalized. Reflecting on the impediments to the operationalization of that right over the previous 35 years, he demystified five common myths about the right to development.

21. The first myth was that the right to development was vague or that it tolerated violations of other human rights under the pretext of “development”. That was false because the Declaration clearly stipulated that individuals and peoples were the rights holders. The right to development was an inalienable, self-standing human right, entailing three entitlements – the right to participate in, contribute to and enjoy the benefits of development. A denial of any of those three entitlements would comprise a violation of the right to development, such as policies denying country ownership or local employment in development cooperation projects. Development could not be advanced if a development policy violated other rights because the nature of development under the Declaration encompassed the full realization of all human rights. The second myth was that the obligations for realizing the right to development were either absolutely internal or absolutely extraterritorial or collective. That was false because the obligations recognized by States in the Declaration applied at three levels – internal, external and collective. The right to development could be realized only if there was equal focus on all three levels. Nevertheless, frequently and foremost, policies adopted by some States did not allow for adequate governance space in other States, hindering the implementation of their human rights obligations at the national level. Examples included vaccine nationalism policies, lopsided trade policies and financial conditionalities. The third myth was that the duty of international cooperation enshrined in the Declaration was soft law and lacked binding obligations for States. That was false because the normative basis of that duty was anchored in various articles of the Charter of the United Nations, which also provided that the obligations under the Charter prevailed over any other conflicting obligations undertaken by States in other international agreements. The duty of international cooperation was further explicitly stipulated in the Universal Declaration of Human Rights, the two International Covenants on Human Rights and other international human rights instruments. The fourth myth was that the right to development was not really a human right since it was often claimed by States. That was false because the Declaration clearly defined individuals and peoples as the rights holders, while the State, as their agent, had the right to demand cessation of actions by other States or international organizations that prevented the State from discharging its duty to adopt appropriate national development policies. The fifth myth was that the duty to cooperate made the commitment of many developed countries to contribute 0.7 per cent of their gross national income as development aid a legally binding obligation. That was incorrect because it demanded only that donors did not dictate their aid allocation with conditionalities, and respect the sovereignty of recipient States in the making and implementation of their development policies. Development cooperation needed to be implemented through the lens of the duty to cooperate with full respect for the right to development.

22. He concluded that, in the future, the best practice to operationalize the right to development was to adopt and implement the legally binding instrument on that right. The absence of such a treaty would mean the continuation of “business as usual”, which the international community did not want.

23. The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Attiya Waris, recalled that her work in linking fiscal space and human rights had begun with article 2 (3) of the Declaration on the Right to Development, which called for fair distribution of the benefits of development, including through sharing those benefits globally. Fifteen years earlier, as a tax lawyer, she had encountered a seminal moment in her endeavours to figure out how to connect human rights with finance and understand their linkages, alleviate poverty and promote development in her country, where vulnerabilities continued to exist.

24. She had reached five conclusions in her work on human rights and fiscal space. First, human rights and development were interwoven in so many ways that one could not apply human rights policy without considering development policy from the beginning. She emphasized the importance of parliamentarians in promoting human rights and the need to address gender issues in development processes. Second, it was extremely important to advance policies that linked rights and resources – rights required resources and resources must be used to realize rights. She had addressed those issues in her publications on tax and development and financing Africa, and in her reports presented to the Human Rights Council. Third, there was a need for many countries to strengthen their fiscal systems as they were facing the cumulative dangers of illicit financial flows, foreign debt burdens and inflation, which were now global problems and were comprehensively addressed under the right to development. Fourth, the delineation between the allegedly technical and non-technical spaces needed to be blurred. In March 2022, she and several other special procedure mandate holders had sent a joint letter to the Organisation for Economic Co-operation and Development, pointing out the inadequacy of a two-pillar solution and how it might end up benefiting high-income countries while leaving low-income countries, especially the least developed countries, outside the scope of that discussion, to their disadvantage.<sup>17</sup> It was important to take account of those inequalities playing out not only at the national level, but also regionally and globally. Fifth, there was a need to reform the global financial system, both through fiscal systems and through development systems. It was necessary to join the spaces in order to break through the deadlocks. She would welcome delegates' participation in and contributions to her forthcoming report to the General Assembly on the global financial architecture.

25. Lastly, she said that, with regard to policy pathways to operationalize the right to development, it was important to keep building on transparency and access to information, informed participation at the national, regional and global levels, and access to resources and distribution. She also called for the establishment of a mandate for a special rapporteur on youth issues, because many specific issues were arising in that area. Reviewing the progress made on the right to development over the previous 35 years, she recalled an Ethiopian proverb that indicated that “you only look down the well when the water has run dry”. At the current time, while humanity was looking down the well before the water had run dry, the water was quite low and humanity needed to fill up the water before the well dried up.

26. The Designated Chairperson of the Non-Aligned Movement Youth Organization, Ordukhan Gahramanzade, expressed his organization's commitment to the implementation of the Declaration on the Right to Development on the thirty-fifth anniversary of its adoption. He said that the right to development encompassed all other human rights and incorporated the principles of equality, non-discrimination, participation, transparency, accountability and international cooperation. The right to development entitled every human being to the constant improvement of his or her well-being.

27. The youth of the Non-Aligned Movement made up nearly 90 per cent of young people globally. The Non-Aligned Movement Youth Organization had been inaugurated over a year earlier under the name “the Non-Aligned Movement Youth Network”, at its first fully fledged summit held in Baku, with the participation of youth representatives from the 60 Non-Aligned Movement member States. It was actively engaged as the common platform for youth representatives from those countries to exchange ideas on the current challenges they faced in ensuring sustainable progress and offering solutions. The right to development, especially in the context of youth, was a priority issue on its agenda.

28. The inequalities in the global political, economic and social systems impeded the realization of the right to development of people living in developing nations. The outbreak and continuation of the COVID-19 pandemic for three years had been a significant blow and had widened existing gaps. Gradually entering the post-COVID era, the Non-Aligned Movement youth community acknowledged the need for sustainable recovery and development, which would enable the effective realization of the right to development. Achieving the 2030 Agenda for Sustainable Development currently required much more

<sup>17</sup> See

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27165>.

attention and the mobilization of efforts by both developing and developed nations worldwide. The final outcome document adopted at the Eighteenth Summit of the Non-Aligned Movement prioritized the promotion and protection of the right to development and emphasized the need to create a practical framework to ensure the realization of that right. The Non-Aligned Movement Youth Organization welcomed resolution 48/10, adopted by the Human Rights Council on 8 October 2021, in which the Council had affirmed that the right to development could only be enjoyed in an inclusive and collaborative framework at the international, regional and national levels, and had in that regard underlined the importance of engaging the United Nations system, including United Nations specialized agencies, funds and programmes, within their respective mandates, relevant international organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, development practitioners, human rights experts and the public at all levels, in discussions on the right to development. Therefore, the Non-Aligned Movement youth called upon the United Nations, its funds and special agencies to prioritize the right to development in their strategies and action plans and to work closely with youth organizations around the world.

29. A considerable number of young people living in some Non-Aligned Movement member States fell into the category of vulnerable youth in terms of development-related challenges and inequalities. New approaches and policies for international development and management should take into account the situation, challenges and needs of young people living in those countries. The implementation of the human right to development was a continuous cycle of participating, contributing and enjoying that right, with young people at its centre. The nations of the developed and developing world should combine their efforts to empower young people, who were the current change-makers and future leaders, by granting them the opportunities and platforms to discuss and exchange ideas on current challenges and come up with innovative and effective solutions. He concluded by reiterating his organization's support to the United Nations system in its commitment to translate the discourse on the right to development into action.

## B. Interactive discussion

30. Representatives of the following Member States took the floor during the interactive discussion: Azerbaijan (on behalf of the Non-Aligned Movement), Bahamas (on behalf of the Caribbean Community), Bahrain, Bangladesh, Côte d'Ivoire (on behalf of the African Group), Cuba, Ethiopia, Iran (Islamic Republic of), Kazakhstan (on behalf of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan), Lao People's Democratic Republic, Malaysia, Maldives (on behalf of Maldives and Vanuatu), Mauritania, Morocco, Pakistan (on behalf of the Organization of Islamic Cooperation), Qatar, Saudi Arabia (on behalf of the Cooperation Council for the Arab States of the Gulf), South Africa, Thailand, United Republic of Tanzania and Venezuela (Bolivarian Republic of). Representatives of the European Union, the United Nations Development Programme and the United Nations Economic Commission for Africa also intervened. The following States were unable to make statements owing to lack of time: Benin, Bolivia (Plurinational State of), Cabo Verde, Cambodia, China, Egypt, El Salvador, India, Indonesia, Iraq, Malawi, Namibia, Nepal, Russian Federation, Senegal and Suriname.<sup>18</sup> The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) was unable to make a statement owing to lack of time.

31. Representatives of the following non-governmental organizations took the floor: Associazione Comunità Papa Giovanni XXIII, Association for Women's Rights in Development (on behalf of The Sexual Rights Initiative and International Women's Rights Action Watch Asia Pacific), International Youth and Student Movement for the United Nations, Juventum, eV and Rencontre africaine pour la défense des droits de l'homme. The following organizations were unable to make statements owing to lack of time: Asian-Pacific

<sup>18</sup> See

<https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/51/Pages/Statements.aspx?SessionId=61&MeetingDate=15/09/2022%2000%3a00%3a00>.

Resource and Research Centre for Women, International Human Rights Association of American Minorities and Shaanxi Patriotic Volunteer Association.<sup>19</sup>

32. Several speakers noted that the multiple challenges humanity was currently facing in terms of fuel, food, finance and climate change had caused unprecedented socioeconomic impacts. They had eroded decades of development gains. Some delegates pointed out that those crises had undermined the capacities of States, especially developing countries, to invest in human development and sustainable infrastructure. The COVID-19 pandemic had exacerbated pre-existing inequalities. Armed conflicts were still causing problems far beyond their locations. All those multifaceted crises undermined the enjoyment of all human rights and, in particular, posed serious challenges to the implementation of the right to development. Dialogue and international cooperation, global solidarity and a holistic and integrated approach were needed currently more than ever to address the multitude of global challenges faced by humanity.

33. Delegates recognized that the right to development was an integral part of all human rights and was essential for realizing other economic, social, civil and political rights. They reiterated their support and commitment to operationalizing the right to development and considered that policies were fundamental tools for the implementation of that right at the national, regional and international levels. One group of countries reiterated that they considered the right to development as a power for the stability and security of peoples. One delegation reaffirmed that the realization of the right to development, through national and international policies, paved the way for social justice, conflict prevention, peacekeeping, validity of human rights and achievement of sustainable development. Several delegations regretted that, 35 years after the adoption of the Declaration on the Right to Development, that right had not been effectively operationalized. It was imperative to identify and remove the obstacles that might undermine progress towards the effective implementation of the right to development. One delegation stated that the disparities resulting from conflicts, climate change and economic exploitation of natural resources were impediments to the right to development and should be recognized and addressed at the commemoration of the Declaration on the Right to Development. Some participants emphasized that States were the primary duty bearers in formulating and implementing development policies to promote the realization of the right to development and that it was important to mobilize political will for its implementation.

34. Many speakers reaffirmed that development was a comprehensive economic, social, cultural and political process, and that all aspects of development were interdependent and mutually reinforcing. One delegation stressed that economic development was insufficient: social, political and cultural development were also needed to implement human prosperity and dignity. A group of countries emphasized that sustainable development could only be achieved through democracy, respect for all human rights and fundamental freedoms, including the right to development. Another group of countries believed that the operationalization of the right to development was a precondition for the achievement of the Sustainable Development Goals. One delegation recalled that a clear distinction should be made between the position of the 2030 Agenda for Sustainable Development and the right to development. A group of States emphasized that the 2030 Agenda for Sustainable Development had been informed by the Declaration on the Right to Development and that the right to development was central to the realization of the Sustainable Development Goals. Several representatives stated that implementing the 2030 Agenda for Sustainable Development and promoting and respecting human rights were interlinked and mutually reinforcing: the realization of sustainable and inclusive development required the full and non-discriminatory realization of all human rights and reaching the Goals of the 2030 Agenda for Sustainable Development contributed to the realization of all rights and fundamental freedoms. One State noted that the international community must continue and aim to drive those two agendas forward together through cooperation and partnership with all stakeholders.

35. Several delegates and representatives of civil society organizations highlighted the duty to cooperation of States and the international community as a critical factor to remove

<sup>19</sup> Ibid.

obstacles to development. Some delegates called for enhanced solidarity and partnerships between different development entities, including vulnerable countries, donor nations and international organizations, in raising funds and increasing investment in poverty reduction, social protection and infrastructure, as well as climate-friendly development. One organization considered that practical international cooperation was essential in providing developing countries with appropriate facilities, allowing their citizens to be protected from exclusion and marginalization. Another organization observed that official development assistance should be guided by meaningful participation and local ownership, and human rights obligations must be prioritized over monetary, fiscal and commercial conditionalities.

36. Many delegations shared good practices and contributions to the realization of the right to development. Some countries or groups of countries introduced their national or regional plans for development, including targets, measures and achievements in fighting poverty, promoting social inclusion, creating employment, improving infrastructure, restructuring the financial system, producing clean energy and advancing digitalization. One State focused on equal access to justice under inclusive development and underlined the importance of building effective governance systems. Another State emphasized its careful balance between saving lives and livelihoods during the pandemic and recovery. One State mentioned its contributions to international solidarity for the benefit of other States affected by conflicts and disasters. One international organization presented its work in contributing to the integration of regional trade to boost industrialization and create decent jobs.

37. Many participants stressed the need to reform the global economic and financial system to make it more just and equitable. One delegation underlined that the framework of the right to development should inform and guide the elaboration of trade, investment and debt agreements, whether they were multilateral or bilateral, to eradicate their negative implications for countries of the South. Some delegates criticized unilateral sanctions, which had harmful effects on the right to development of the nations that were targeted, and called for appropriate collective policies for their removal. One delegation considered that the impediments caused by unilateral coercive measures to the realization of human rights should be included in all political and academic debates on the right to development. Other participants emphasized the need for accelerated climate action to reduce the adverse effect of climate change on development. Participants also noted that the empowerment of women and their full participation on an equal basis in all spheres of society were fundamental to development.

38. Some countries emphasized the importance of a regional approach to sustainable development, through elaborating a region-wide strategy or providing a platform for regional collective action. One group of States noted that the operationalization of the right to development had become critical for the continued survival of small island developing States, and a genuine global partnership for development was required to overcome the challenges faced by them. One group of States recalled that the reason the concept of the right to development had originally been formulated was closely related to colonization and the slave trade, the sequels and impacts of which were long-lasting. Therefore, all discussion regarding the right to development should take into consideration the consequences of those two phenomena and consider compensation for the countries and victims who had been negatively affected.

39. Several States emphasized the need to draft and adopt a legally binding instrument on the right to development and the crucial role of that instrument in the effective implementation of that human right. One group of States called for an early conclusion of the ongoing discussions in the Working Group on the Right to Development of the text of the draft convention on the right to development and urged the United Nations High Commissioner for Human Rights and the human rights bodies to ensure the operationalization of the right to development as a priority, including through the elaboration of a convention. Some civil society organizations proposed that the Human Rights Council should reconsider the inclusion of the Declaration on the Right to Development in the International Bill of Human Rights. Some States encouraged all parties to take an active part in the high-level event to commemorate the adoption of the Declaration on the Right to Development scheduled to take place during the fifty-second session of the Council, in 2023.

40. Participants posed questions to panellists, including on: how non-State actors such as civil society and businesses could complement States' efforts on economic recovery and growth after the pandemic; what needed to be done to implement the right to development; how recognition of the right to development as an international obligation could also be advanced with regard to developed countries; how all forms of discrimination and gender-based violence could be eradicated to ensure the right to development for everyone, leaving no one behind; and what lessons could be learned from crises such as climate change and the COVID-19 pandemic on the necessity to accelerate the operationalization of the right to development.

#### IV. Concluding remarks by panellists

41. Ms. Fukuda-Parr appreciated the many insightful statements from delegates articulating the different ways in which the COVID-19 pandemic had posed challenges to development. The failure of international cooperation had been a major weakness in the response to the pandemic. She recognized that the pandemic was a global challenge and needed a global response. The world needed much stronger and more proactive responses from international collective action in some areas, such as in the development and distribution of treatment, vaccines and diagnostics. She recalled that speakers had raised much deeper questions about issues such as fiscal systems, illicit financial flows and many other areas. As an economist in academia, she considered that, in terms of operationalizing the right to development, practical policy approaches in international cooperative action were needed to strengthen pandemic preparedness and response on the basis of the principles laid out in the Declaration on the Right to Development.

42. Mr. Kanade noted that a number of delegations had regretted the fact that, despite the adoption of the Declaration on the Right to Development 35 years earlier, the operationalization of that right remained a major challenge. In response to the questions posed by participants, he emphasized that "business as usual" was the problem and must be changed. One could seek to do that through the adoption of numerous agendas at the international or regional level, such as the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, the 2030 Agenda for Sustainable Development and the Doha Programme of Action for the Least Developed Countries. Nevertheless, unless those agreements were based on normative principles, they were bound to fail because they were premised on charity-based models of development cooperation rather than on a duty to cooperate and on the assumption that international cooperation and development were common concerns of humankind. The Sustainable Development Goals were prime examples. In its first thematic study, the Expert Mechanism on the Right to Development had pointed out that the 2030 Agenda had already derailed, even prior to the COVID-19 pandemic.<sup>20</sup> There had been a deceleration since 2015 in progress towards achieving every single Goal and target of the Agenda, due to a steady deceleration in the means of implementation targets under Goal 17 and the a, b, c targets under the preceding 16 Goals, all of which were based on international cooperation. Unless international cooperation was discharged as a duty, it was impossible to realize any of those international goals. It was imperative to base all policies and agendas on a normative framework in which development was a right and not charity and there were duties on States to cooperate with each other.

43. Ms. Waris noted that it was necessary to move towards ensuring that financing was progressive, positive and forward-looking. Development should be approached from a concerted point of view. The pandemic had taught humanity and provided it with space to think in another way, re-examining what was considered as normal and overturning some previous presumptions. It had provided an opportunity to re-examine the existing financial structure and look for alternative ways forward. Emergencies always resulted in people thinking "outside the box" for a specific period of time, yet always returning to the original position without making essential changes. She

<sup>20</sup> [A/HRC/48/63](#).

emphasized that the crises were not yet over; rather, there were more layers of crises, so it was necessary to reflect and seek alternative pathways. She concluded that the important lesson was not about coordination but cooperation. Political decisions could be made much faster than before if there was cooperation, which would allow for more progress, more rapidly. She hoped that in another 35 years, the world would have made significant strides. She also observed that protectionism worked against the common good and nationalism exacerbated many contemporary problems.

44. Mr. Gahramanzade noted that it was imperative to guarantee the full enjoyment of fundamental rights and freedoms by young people, who were usually regarded as vulnerable in most societies. He suggested that, in order to invest in the future of young people, it was necessary to pay close attention to education and provide young people with the necessary skills and knowledge to bring about positive changes in societies. The Non-Aligned Movement youth wished to work on those issues and to bring young people into the dialogue. He suggested that young people should be provided with real projects, real summits and real conferences. He called upon all States, international organizations and other participants to engage in dialogue with young people. He believed that with the participation of the Non-Aligned Movement youth and in partnership with all countries, a better future could be built for all. That should be done in solidarity and with results-oriented solutions that arose from dialogue and discussions such as the present panel.

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